

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 16-20062

v.

HONORABLE DENISE PAGE HOOD

D-2 DARRIYON JERON MILLS,

Defendant.

**ORDER GRANTING MOTION
FOR RECONSIDERATION [#626]**

On January 18, 2019, the Court granted Defendant's motion to extend the deadline for filing a 28 U.S.C. § 2255 motion in this Court. *See* Dkt. No. 625. On January 22, 2019, the Government filed a Motion for Reconsideration, Dkt. No. 626, arguing that this Court lacked jurisdiction to grant such relief. The Government correctly relied upon *United States v. Asakevich*, 810 F.3d 418, 420-21 (6th Cir. 2016), wherein the Sixth Circuit held that a district court may toll the statute of limitations for a Section 2255 motion after it had been filed, but it cannot grant an extension of time to file the Section 2255 motion. Accordingly, the Court concludes that it did not have the jurisdiction to grant Defendant an extension of time to file a Section 2255 motion and will vacate its order granting the extension of time to file the Section 2255 motion.

For the reasons stated above,

IT IS ORDERED that the Government's Motion for Reconsideration [Dkt. No. 626] is GRANTED.

IT IS FURTHER ORDERED that the Court's January 18, 2019 Order Granting Defendant's Motion to Extend Filing Deadline [Dkt. No. 625] is VACATED.

IT IS ORDERED.

Dated: March 18, 2019

s/Denise Page Hood

DENISE PAGE HOOD

United States District Judge